

## Army gets a new battle: Trees on Central Valley levees

SACRAMENTO

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- **Lawsuit challenges program to cut trees from levees**
- **Lawsuit says Corps of Engineers decision is misguided**

A lawsuit has been filed in U.S. District Court in Sacramento challenging implementation of a U.S. Army Corps of Engineers program requiring removal of all trees and shrubs from Central Valley levees.

Friends of the River, the Center for Biological Diversity and Defenders of Wildlife say in their lawsuit that despite clear evidence that the vegetation provides important habitat for endangered fish, birds and other species, and that its removal may actually reduce levee safety.

“This misguided program would further fragment remnants of Central Valley riparian forest that are essential habitat for endangered species and also provide scenic beauty and recreational enjoyment of the rivers,” says Bob Wright, senior counsel for Friends of the River. “The Corps must abide by environmental laws and make environmentally informed decisions. We will pursue this case vigorously and as rapidly as the court allows.”

The Corps declined to comment "as a matter of policy," a spokesman said.

The no-trees-on-levees policy was adopted after Hurricane Katrina swamped New Orleans, breaking through some levees.

The new nationwide standards adopted in 2009 ban vegetation within 15 feet of levees.

“The Corps adopted a new standard requiring removal of all vegetation from levees without environmental review, consideration of regional differences or scientific support,” says Jeff Miller with the Center for Biological Diversity. “Not only is there little proof



Luxury homes like this one in Stockton might have their shaded water views cut down.  
Photo by Gene Beley



Trees line the levees on the South Fork of the Mokelumne River  
Photo by Gene Beley



Restored tug moored to a

trees or well-managed vegetation threaten levees in California, the Corps' own research shows trees stabilize and strengthen levees. The Corps must incorporate ongoing scientific research before proceeding."

vegetation-covered levee, Smith  
Canal, Stockton  
Photo by Gene Beley

The changes could significantly affect endangered species in the Central Valley and Southern California that rely on vegetation along levees for habitat, such as chinook salmon, steelhead trout, green sturgeon, giant garter snake, least Bell's vireo, riparian brush rabbit, southwestern willow flycatcher and valley elderberry longhorn beetle, the groups bringing the lawsuit say.

In many Southern California coastal streams, least vireos and flycatchers nest in riparian vegetation; longhorn beetles inhabit elderberry trees, and protected fish swim in rivers along Central Valley levees. Riparian vegetation reduces sedimentation harmful to anadromous fish and provides important shade that reduces water temperatures, which is critical for salmonids and other aquatic species.

The Corps ignored its legal obligation to analyze the impacts of this new program under the National Environmental Policy Act by failing to prepare an environmental impact statement before adopting the decision, says the suit. It also ignored its requirement, under the Endangered Species Act, to consult with federal wildlife agencies for the impacts on threatened and endangered species.

"Levee safety can be achieved without clearcutting some of the surviving riparian forests in the Central Valley and destroying habitat for struggling species like salmon, steelhead trout and willow flycatchers," says Kelly Catlett, a California representative of Defenders of Wildlife.

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